

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	
)	Nos. 3:18-CR-193-TAV-DCP
)	3:18-CR-194-TAV-DCP
JOHN WILLIAM HANSON, III,)	
)	
Defendant.)	

ORDER

This case is before the undersigned on the Defendant's Motions to Declare Defendant John William Hanson, III, Indigent for Purposes of Record for Appeal [Docs. 3], filed in both of the Defendant's cases on December 5, 2018, and referred [Docs. 5] to the undersigned on December 10, 2018. Defendant Hanson appeals his Judgment of conviction for one class A misdemeanor and six petty offenses to Chief United States District Judge Thomas A. Varlan. Defendant asks to be declared indigent, pursuant to Federal Rule of Criminal Procedure 58(g)(2)(C), for purposes of receiving the record on appeal. The Defendant states that he was declared indigent and received court-appointed counsel in both his criminal and petty offense cases. He also contends that he is now in custody and has no income with which to pay for the record, particularly the transcript.

With regard to the record on an appeal from a magistrate judge's conviction or sentence, Rule 58(g)(2)(C) provides that

[t]he record on appeal consists of the original papers and exhibits in the case, any transcripts, tape, or other recording of the proceedings; and a certified copy of the docket entries. For purposes of the appeal, a copy of the record of the proceedings must be made available to a defendant who establishes by affidavit an inability to pay or give security for the record. The Director of the

Administrative Office of the United States Courts must pay for those copies.

Upon examination of the record in cases. 3:18-CR-61 and 3:18-PO-53, the undersigned finds that Defendant Hanson qualifies as indigent for purposes of these appeals. On February 6, 2018, United States Magistrate Judge H. Bruce Guyton found Defendant Hanson to be indigent and appointed Assistant Federal Defender Jonathan A. Moffatt and the Federal Defender Services of Eastern Tennessee (“FDS”) to represent him in case number 3:18-PO-53. On June 26, 2018, Judge Guyton again found Defendant Hanson to be indigent, appointed Attorney Mark E. Brown to represent the Defendant in his criminal case [3:18-CR-61, Doc. 6], and substituted Mr. Brown to represent the Defendant in his petty offense case [3:18-PO-53, Doc. 3]. At that time, Defendant Hanson submitted a financial affidavit [3:18-CR-61, Doc. 5] in support of his request for an attorney, which affidavit reflects that the Defendant was working as a caregiver for his aunt and uncle.

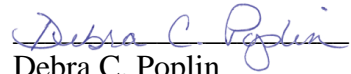
Following a jury trial on September 24-25, 2018, Judge Guyton released the Defendant on conditions [3:18-CR-61, Docs. 49 & 50], including that he live with his parents in Springboro, Ohio, and that he gain employment. The Defendant’s Presentence Report [3:18-CR-61, Doc. 53] reflects that he began employment in early October 2018. However, the Defendant was taken into custody at the conclusion of his sentencing hearing on November 15, 2018. The Defendant’s motion states that he currently has no source of income, which is substantiated by the information contained in the Presentence Report. The Presentence Report also confirms that Defendant has substantial debt and no significant assets. Based upon the financial affidavit entered in the cases below, the information in the Presentence Report, and Defendant Hanson’s current incarceration, the undersigned finds that he is indigent for purposes of receiving the record on appeal.

For the reasons discussed herein, the Court **ORDERS** as follows:

- (1) The Defendant's motions to be declared indigent [**Docs. 3**] in both of his appeals are **GRANTED**;
- (2) Defendant Hanson is not required to pay for the compilation of the record for his appeals, and instead, the cost of the record on appeal must be borne by the Administrative Office of the Courts; and
- (3) Attorney Mark E. Brown shall continue to represent Defendant Hanson on appeal, pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge